

Message Text

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PAGE 01 THE HA 02078 131530Z
ACTION SNM-05

INFO OCT-01 EUR-12 ISO-00 L-03 CIAE-00 INR-10 NSAE-00
/031 W

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R 131349Z APR 78
FM AMEMBASSY THE HAGUE
TO AMEMBASSY PARIS
INFO DEA HQS WASHDC
SECSTATE WASHDC 2432

C O N F I D E N T I A L THE HAGUE 2078

NOFORN

PARIS FOR DEA FROM SAIC BURKE

DEA HQS FOR ENOM, IGIE, EN, IG

STATE FOR S/NM

E.O. 11652: GDS
TAGS: SNAR
SUBJECT: COURT ADMISSION OF UNDERCOVER EVIDENCE

REF: THE HAGUE 1038 (DTG 280800Z FEB 78)

1. REF REPORTED IN SUMMARY THAT AMSTERDAM PROSECUTORS OFFICE HAD AMSTERDAM COURT APPROVAL FOR INTRODUCTION OF EVIDENCE OBTAINED AS RESULT OF UNDERCOVER ACTIVITY BY A FOREIGN POLICE OFFICER. PROSECUTOR HAD OBTAINED APPROVAL OF SENIOR JUDGE AND APPEALS COURT. PROSECUTORS OFFICE OPENED TRIAL LAST WEEK OF HASHISH SMUGGLERS BY ANNOUNCING THAT A GERMAN POLICE OFFICER HAD PARTICIPATED IN CASE IN AN UNDERCOVER ROLE AND THAT HIS TESTIMONY WOULD BE USED IN THE COURSE OF THE TRIAL UNDER THE NEW UNDERSTANDING BETWEEN THE PROSECUTORS OFFICE AND THE COURT.

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PAGE 02 THE HA 02078 131530Z

2. APPARENTLY SOMEONE HAD FAILED TO INFORM THE PRESIDING JUDGE OF THE NEW POLICY AS HE BECAME HIGHLY INCENSED, LECTURED THE PROSECUTOR THAT THE USE OF TESTIMONY BY AN UNDERCOVER AGENT IS AGAINST DUTCH LAW AND DISMISSED THE CHARGES AGAINST THE DEFENDANTS. THE PROSECUTOR IS CONSIDERING APPEALING THE ACTION BUT DOES NOT HOLD MUCH HOPE FOR SUCCESS. IT IS APPARENT THAT ONLY BY PARLIAMENTARY ACTION WILL A CHANGE TAKE

PLACE.
BROWN

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NNN

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